

**TOWN OF NEVERSINK
ZONING BOARD OF APPEALS
P.O. Box 307 - 273 Main Street
Grahamsville, NY 12740
(845) 985-2262 fax (845) 985-7686**

REGULAR MEETING MINUTES

September 19, 2023

Board Members:	Mike Dean, Chairman	PRESENT
	Jim Wells	PRESENT
	Ian Constable	PRESENT
	Steve Porter	PRESENT
	Stephen Poley	PRESENT
	Andrew McCabe, Alternate	PRESENT
Other Officials:	Keith Stryker, Code Enforcement Officer	PRESENT
	Ken Klein, Esq., Town Attorney	PRESENT
Other Guests Present:	Barbara Garigliano, Esq.	

Chairman Mike Dean called the regularly scheduled meeting of the Town of Neversink Zoning Board of Appeals to order at 7:30 with the Pledge of Allegiance.
A motion to **APPROVE** the minutes of the April 18, 2023 meeting was

Moved by: Zoning Board of Appeals Member, Andrew McCabe
Seconded by: Zoning Board of Appeals Member, Ian Constable
Approved by UNANIMOUS vote: **AYES:6 NAYS: 0 ABSTAIN: 0**

APPLICATION:

18.-1-9.1 & 26.-1-6.1: Ceresnak Legacy Trust & Hastings Realty Holdings, LLC. - Area Variance for the Installation of a Community Solar Project - located at 318 Moore Hill Rd and Hastings Dr, Grahamsville NY

Chairman Mike Dean began the meeting addressing the two Area Variances involved. The Community Solar Project has two separate applications with dual variances, one for each property. Mike Dean, Barbara Garigliano and Ken Klein discussed this unique type of situation and how similar situations have been dealt with in the past. Mike Dean introduced Barbara Garigliano to the board and invited her to present the proposed project. Mrs. Garigliano of Blustein, Shapiro, Frank & Barone was present on behalf of the applicant, NY Hastings, LLC. The application is to have a zero set-back requirement on the side yards on the Ceresnak property and on the Hastings Realty LLC. property. They are adjoining parcels.

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This project will be a Solar field or Solar Array, which falls under the town code as a large project, which is permitted in the RR3# Zone. The Ceresnak property is approximately 140 acres, and the Hastings Realty LLC. property approximately 33 acres. It would start at the end of the turnabout on Hastings Ct, off of Hastings Dr. at continue up the hill until it joins the Ceresnak property. The Desire is to put the solar array between the two bordering properties, far away from any other houses where it will be unseen. At this point they are contemplating that there will be 20 acres on each property, but it is still early in the project, and therefore uncertain. What will determine that is topographies, due diligence with soil borings, situating the solar arrays as close together as possible to maximize the energy production, which is the reason for asking for the zero-setback to centralize them, rather than continue outward to the borders. This is a utility standard, no hindrance to the town, up on the hill, surrounded by forest.

Ken Klein and Barbara Garigliano discussed that this project must go over to the planning board, and will require a public hearing. Ken explained that overall, the solar facility will only straddle the two properties and will not affect any other bounding properties due to the common boundary between them. Down the road, years from now, specific to this parcel, if the facility were to go away, the variance will also go away. The two separate properties would be subject to go back to whatever the zoning laws are at the time. Barbara and Ken explained that there were no actions to be taken tonight. Jim Wells asked about what happens next. The planning board will be acting as lead agency. Ken said that since this will disturb more than ten acres, this is a Type 1 action, and that a long Environmental Assessment Form will need to be submitted by the planning board. Ian Constable asked if the planning board will have the public hearing. Ken said that we will come back again for another meeting when we're ready to talk about a public hearing. There was a short discussion about exactly where the boundary lines will be. There will be extensive clearing, and since the parcel is sloped, it is difficult to give exacts on acreage. The point of connection with Central Hudson is off of Hastings Court. Both parcels are crucial; one for the point of connection (but since that is not a large enough parcel), and the other for the space. The variance is only being asked for on the common boundary line. Barbara submitted a new proxy due to minor changes in wording on a few pages on the application. The project is on the Agenda for the next Planning Board Meeting scheduled for October 4th, 2023 at 7:00pm.

A motion to **ADJOURN** was

Moved by: Zoning Board of Appeals Alternate Member, Andrew McCabe
Seconded by: Zoning Board of Appeals Member, Stephen Poley
Approved by UNANIMOUS vote: AYES: 5 NAYS: 0 ABSTAIN: 0

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OTHER: NONE

CORRESPONDENCE: NONE

There being no further business before the Board, a motion to **ADJOURN** at 7:55 PM was

Moved by: Zoning Board of Appeals Member, Ian Constable

Seconded by: Zoning Board of Appeals Alternate Member, Andrew McCabe

Approved by UNANIMOUS vote: AYES: 6 NAYS: 0 ABSTAIN: 0

Respectfully submitted:

Michelle Goodman
Zoning Board of Appeals Clerk
(ZBA091923)

NEXT MEETING: October 17, 2023 at 7:30 PM.